IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 6TH AUGUST 2007 / 15TH SRAVANA 1929

Crl.MC.No. 2486 of 2007()

CC.204/2004 of JUDL.MAGISTRATE OF FIRST CLASS, PERAMBRA

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PETITIONER:

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1. D.SURESH,
   MADATHIL HOUSE, PARAVUR, KOLLAM.

2. RAJENDRAN,
   KALEEYILPPURA, KAPPIL P.O., EDAVA.

BY ADV. SRI.SUBHASH CYRIAC

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY
   PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
   RAM MOHAN PALACE COMPOUND, ERNAKULAM, COCHIN.

2. THOMAS T.V., S/O. JOSEPH VARKEY,
   THADATHIL HOUSE, CHERAKKAD P.O., ATHOIDI,
   KOORACHUNDU, KOZHIKODE DISTRICT.

3. P.SURESH,
   POOVAKKATTU HOUSE, KAPPIL P.O., EDAVA.

BY ADV. SRI. GIKKU JACOB, PUBLIC PROSECUTOR

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 06/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

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Crl.M.C. No.2486 Of 2007

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Dated this the 6th day of August, 2007

ORDER

The petitioners face indictment in a prosecution for offences punishable under Sections 468 and 420 IPC. Investigation is complete. Final report has already been filed. Cognizance has been taken by the learned Magistrate as early as on 15.06.05. The petitioners have appeared before the learned Magistrate. Charges were framed. The petitioners have not chosen to challenge the order framing charges. Now the matter has been posted for trial. The trial is to commence shortly, it is submitted. At this stage the petitioner come before this Court with a prayer to quash the proceedings invoking the powers under Sec.482 Cr.P.C.

2. What is the reason? Why did the petitioners not come before this Court earlier? Why have they came at this eleventh hour? Why did they not challenge the order framing the charges? I must say that no satisfactory reasons are forthcoming. I must alertly remind myself of the nature, quality and contours of the jurisdiction which I am called upon to invoke and exercise. I find no reason which could justify the belated invocation of Section 482 Cr.P.C.

3. Obviously the petitioners were willing to take part in the trial now. It appears to me that only to avoid the obligation to get ready for trial on the date of listing, the petitioners have come to this court with the prayer for quashing the proceedings. I am satisfied that this is not a fit case where the petitioners deserve or are justified in requesting this Court to invoke the powers under Section 482 Cr.P.C. The petitioners must take part in the trial of the case which is listed already.

4. This Crl.M.C is accordingly dismissed.

(R.BASANT, JUDGE)

sj